IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6984 of 2005

Between:

K.Naganna, S/o.Pedda Naganna,

Occ:Driver, E.411827, aged about 38 years,

R/o.H.No.14-229, SPG Compound,

Dastagiripeta, Produtoor,

Cuddapah District

..... PETITIONER

AND

1. The Regional Manager, APSRTC,

Cuddapah Region, Cuddapah District

2. The Depot Manager, APSRTC,

Mydikur Bus Depot, Cuddapah District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not regularizing the petitioner's from the date of his initial appointment is wholly illegal, arbitrary and unjust and consequently direct the Respondents to regularize the service of the petitioner by taking his initial date of appointment and pass such other order or orders.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY, SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in not regularizing the petitioner from the date of his initial appointment, as illegal, and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondents.

The petitioner is working as a Driver in the respondent Corporation since May, 1999. He was selected under regular selection process along with other candidates. The grievance of the petitioner is that the respondents have not regularized his services along with similarly situated persons, who were appointed under the same selection process along with the petitioner.

With the similar relief, several writ petitions were filed and they were allowed by this Court following the earlier judgment of the Division Bench of this Court, directing the respondents to regularize the services of the petitioners therein from the date of their initial appointment. Challenging the said judgment, Writ Appeals, filed by the respondent Corporation, were also dismissed. Aggrieved by the dismissal of the same, the respondent Corporation carried the matter before the Supreme Court in Civil Appeal No.2455 of 1999 and batch. The Supreme Court disposed of the same by a reported judgment in ***Divisional Manager, APSRTC and others vs.P.Lakshmoji Rao***. In para 18 of the said judgment, the Supreme Court observed as follows:

> "In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization, assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:-
>
> If any of the Conductors, junior to the respondents in the relevant seniority list of the

concerned Division/Region, have got the same benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are senior to them, shall be given the same benefit on the same principle."

Following the aforesaid judgment of the Supreme Court, the respondents are directed to consider the case of the petitioner and regularize his services from the date of his initial appointment.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 31.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Cuddapah Region, Cuddapah District

2. The Depot Manager, APSRTC,

Mydikur Bus Depot, Cuddapah District

3. Two CD copies